

AN ACT concerning civil law.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Probate Act of 1975 is amended by changing Sections 4a-5 and 4a-10 as follows:

(755 ILCS 5/4a-5)

Sec. 4a-5. Definitions. As used in this Article:

(1) "Caregiver" means a person who voluntarily, or in exchange for compensation, has assumed responsibility for all or a portion of the care of another person who needs assistance with activities of daily living. "Caregiver" includes a caregiver's spouse, cohabitant, child, or employee. "Caregiver" does not include a family member of the person receiving assistance.

(2) "Family member" means a spouse, civil union partner, child, grandchild, sibling, aunt, uncle, niece, nephew, first cousin, or parent of the person receiving assistance.

(3) "Transfer instrument" means the legal document intended to effectuate a transfer effective on or after the transferor's death and includes, without limitation, a will, trust, transfer on death instrument, deed, form designated as payable on death, contract, or other beneficiary designation form.

(4) "Transferee" means a legatee, a beneficiary of a trust, a grantee of a deed, or any other person designated in a transfer instrument to receive a nonprobate transfer.

(5) "Transferor" means a testator, settlor, grantor of a deed, or a decedent whose interest is transferred pursuant to a nonprobate transfer.

(Source: P.A. 98-1093, eff. 1-1-15.)

(755 ILCS 5/4a-10)

Sec. 4a-10. Presumption of void transfer.

(a) In any civil action in which a transfer instrument is being challenged, there is a rebuttable presumption, except as provided in Section 4a-15, that the transfer instrument is void if the transferee is a caregiver and the fair market value of the transferred property exceeds \$20,000.

(b) Unless a shorter limitations period is required by Section 8-1 or 18-12 of this Act, any action under this Section shall be filed within 2 years of the date of death of the transferor.

(c) If the property in question is an interest in real property, a bona fide purchaser or mortgagee for value shall take the subject property free and clear of the action challenging the transfer instrument if the transfer to the bona fide purchaser or mortgagee for value occurs prior to the recordation of a lis pendens for an action under this Section.

(d) If the holder of property subject to this Article is a

financial institution, trust company, trustee, or similar entity or person, including a subsidiary or affiliate thereof, it is not liable for distributing or releasing the property to the transferee, if:

(1) in the case of funds in an account maintained by the holder, the distribution or release occurs prior to the date the holder imposes a prompt administrative freeze of the account after the holder's registered agent for service of process has first received actual written notice that a complaint has been filed challenging the transfer instrument, which notice must include a copy of the complaint; or

(2) in the case of any other property, the distribution or release occurs prior to the date the holder's registered agent for service of process receives actual written notice that a complaint has been filed challenging the transfer instrument, which notice must include a copy of the complaint with sufficient time for the holder to act upon the notice.

(e) The administrative freeze of an account described in paragraph (1) of subsection (d) shall be implemented promptly. In determining whether the administrative freeze was implemented promptly, the Court shall take into consideration the manner, time, and place of service and other factors reasonably affecting the financial institution's ability to promptly freeze the account.

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(Source: P.A. 98-1093, eff. 1-1-15.)

Section 99. Effective date. This Act takes effect upon becoming law.